



DANIEL K. KNIGHT, Prosecutor
Office of the Boone County Prosecuting Attorney
705 E. Walnut Street – Courthouse
Columbia, Missouri 65201-4485
573-886-4100
FAX: 573-886-4148

FOR IMMEDIATE RELEASE

1-23-19

REVIEW OF THE SHOOTING DEATH OF AHMONTA HARRIS
COMPLETED

(Columbia, MO)---Dan Knight, the Boone County Prosecutor, has completed his review of the shooting death of Ahmonta Harris. He has sent a letter to Detective Chris Lester of the Boone County Sheriff's Department, which is attached, and a copy of the letter can also be found on the Boone County Government website at showmeboone.com under the "Latest News" section. Please direct any media inquiries to Dan Knight at 573-886-4100. Thank you.



DANIEL K. KNIGHT, Prosecutor
Office of the Boone County Prosecuting Attorney
705 E. Walnut Street – Courthouse
Columbia, Missouri 65201-4485
573-886-4100
FAX: 573-886-4148

1-23-19

**Detective Chris Lester
Boone County Sheriff's Department
2121 County Drive
Columbia, Mo. 65202**

Dear Detective Lester,

On 12-10-18, I received your written request for me to review the case pertaining to the shooting death of Ahmonta Harris by Deonte Gainwell. I also received investigative materials from the Boone County Sheriff's Department on that date. No probable cause statement was submitted to my office.

On 1-17-19, Gainwell was the victim of an apparent homicide in Columbia. However, since members of the Boone County Sheriff's Department worked very hard on this case and requested that I review it, I had completed the majority of my review by 1-17-19, and because this is a case of general public interest, I am rendering my opinion regarding the legality of Gainwell's use of force against Harris. In this letter, I will explain why no charges would have been filed against Gainwell pertaining to the shooting death of Harris if Gainwell had survived.

EVIDENCE

The following is a summary of the credible evidence in this case:

On 11-24-18 at about 11:17pm, deputies from the Boone County Sheriff's Department responded to 5783 East Limoges Drive after 911 callers indicated

shots had been fired at that location. 5783 East Limoges Drive was located on the north side of a duplex, and 5781 was on the south side of the duplex. The front doors of the units faced west.

When deputies arrived at the scene they contacted Deonte Gainwell, and he talked to them about this case. Gainwell also made statements to members of the Boone County Sheriff's Department at other locations and at other times. Gainwell's statements regarding the shooting are summarized in this letter.

Gainwell said that on 11-24-18 he fell asleep on his bed in his bedroom which was located on the second floor on the west side of 5783 East Limoges Drive. Gainwell said he woke to find a person, later identified as Ahmonta Harris, standing over him, pointing a gun equipped with a laser pointer at him. Gainwell said Harris told him to get out of bed, and he did so. Gainwell said Harris demanded money from Gainwell, and Gainwell told Harris he didn't have any money. Gainwell indicated that Harris pulled the slide back on his gun and that Gainwell, who was armed with a Glock 23 .40 caliber handgun, then shot Harris multiple times. Gainwell said that at the time of the shooting, the room was very dark, and it was difficult to see Harris. Gainwell said he placed Harris's gun on his bed after the shooting.

Gainwell said that when he went to sleep, his bedroom window was open about three to four inches, and there was no screen on it. Gainwell said he thought Harris entered the residence through this window because Harris was standing next to the window when Gainwell woke up. Gainwell said he thought the front door to the residence was locked when he went to sleep.

Deputies from the Boone County Sheriff's Department found Harris's body on Gainwell's bedroom floor, lying face up with his back against the wall and his head just below the bedroom window. Harris was wearing a black balaclava (cloth mask) around his neck that partially covered his face and head, a black hooded sweatshirt, black sweatpants, red cotton gloves, and black tennis shoes.

Dr. Deiter Duff performed an autopsy on Harris's body on 11-26-18, and he wrote an autopsy report. Dr. Duff found that Harris was shot in the head three times. Dr. Duff also found that Harris was shot one time in the left shoulder and one time in the right forearm. In Dr. Duff's opinion, the cause of Harris's death was gunshot wounds to the head.

A loaded Glock 26 9mm caliber handgun was located on Gainwell's bed. There was a magazine in the gun that contained nine cartridges, and there was an additional cartridge in the chamber. The gun was equipped with a laser light. Additional investigation revealed Harris had previously purchased the handgun from Modern Arms in Columbia, Missouri in 2017.

Sergeant Tracey Cleeton located two stacks of automobile tires with piles of cut limbs and branches outside and to the rear of the residence on the northeast side. Sergeant Cleeton noted that it was about thirty-nine degrees outside and that there was dew on the grass and on the piles of cut limbs and branches. Sergeant Cleeton observed what appeared to be wet shoe smears or smudges against the vinyl siding that extended from the pile of limbs and branches next to a downspout up to the roof. Sergeant Cleeton wrote that this evidence was consistent with someone scaling the side of the residence to the roof. In addition, the gutter directly above the pile of limbs and branches was bent down, consistent with a person grabbing onto it to pull himself onto the roof. Once on the roof, that person would have had easy access to Gainwell's bedroom window.

Sergeant Cleeton examined Gainwell's bedroom window and found that there was no screen. Sergeant Cleeton wrote, "When the window was lifted and opened nearly 14 inches, it became apparent, from the additional blood spatter on the inside window jamb, that the window was open when Harris was shot. The open window supports the claim Harris entered the bedroom from the window."

A set of vehicle keys was found in Harris's possession. The keys were for a Kia Sorento that was found parked on the north side of Doulton Drive facing west, east of Limoges Drive. The straight-line distance between this vehicle and 5783 Limoges Drive was approximately 235 feet. The vehicle was parked in a location that could not be viewed by anyone occupying the residence at 5783 Limoges Drive. At the time sheriff's deputies responded to the shooting, there were multiple empty parking locations that were closer to 5783 Limoges Drive than the location where the Kia Sorento was parked. It was determined that the vehicle belonged to Shauntel Franklin who was Harris's girlfriend. A search of the vehicle yielded a pair of black jeans, a black sweatshirt, and a pair of black and white basketball shoes. A wallet containing Harris's driver's license was found in the pair of black jeans that was in the vehicle.

Harris's cell phone was also located in the center console area of the Kia Sorento. When the phone was recovered, it was powered off. The phone had been used throughout the day, and it was last used on 11-24-18 at 10:38pm to make a telephone call.

Members of the Boone County Sheriff's Department examined the contents of Harris's and Gainwell's cell phones. No contact information for Harris was found in Gainwell's cell phone, and no contact information for Gainwell was found in Harris's cell phone. There was no evidence of any communication between Harris and Gainwell in either cell phone.

Facebook records for both Harris and Gainwell were examined, and no evidence of any communication between Harris and Gainwell was found.

A few people told members of the Boone County Sheriff's Department that they had heard that Harris went to Gainwell's residence to sell concert tickets to Gainwell. These people were asked to provide details about the sources of this information, and none were provided. Gainwell was specifically asked if Harris was at his residence to sell him tickets, and Gainwell said that was not the case. In addition, no concert tickets were located at Gainwell's residence, on Harris's person, or in the vehicle that Harris used. Further, in the "notes" section of Harris's cell phone, there was an entry created on 11-18-18 titled "People Buying Tickets" that listed a number of people's names, and Gainwell's name did not appear.

Other than the statements about the concert tickets, there was no information obtained from any source that there had been any communication between Harris and Gainwell about meeting each other before the shooting; that Harris intended to meet with Gainwell or go to Gainwell's residence; or that Gainwell intended to meet with Harris or expected Harris to come to Gainwell's residence.

There was no information obtained from any source that Harris entered the residence through any of the exterior doors to the residence just before the shooting. Specifically, members of the Boone County Sheriff's Department spoke to a juvenile and an adult who said they were present at 5783 East Limoges Drive at the time of the shooting. The juvenile said he was awake in an upstairs bedroom when he heard the gunshots, and he didn't hear anything, including anyone entering the residence, leading up to the shooting. The adult said she was sleeping in a bedroom which was located in the garage,

adjacent to the front door of the residence, when she was awakened by gunshots. The adult said she could not hear anything leading up to the gunshots. In addition, members of the Boone County Sheriff's Department spoke to numerous people who said they were present at 5781 East Limoges Drive at the time of the shooting, and none of these people said they were aware of anyone entering 5783 through any of the exterior doors to the residence just prior to the shooting.

ANALYSIS

Missouri law provides a statutory right to self-defense. Under Section 563.031, RSMo, a person has the right to use force if the person reasonably believes it is necessary to defend himself or herself against what he or she reasonably believes to be imminent use of unlawful force.

A person who is justified in using self-defense can use deadly force in some circumstances. Deadly force can be used if the person reasonably believes the force is necessary to protect himself or herself against "death, serious physical injury, or any forcible felony." §563.031.2(1). Forcible felonies include murder, robbery, burglary, and assault. §563.011(4).

Deadly force can also be used in self-defense against a person who unlawfully enters or remains after unlawfully entering a dwelling or residence lawfully occupied by the defender. §563.031.2(2). A person using self-defense has no duty to retreat from a dwelling or residence where he or she is lawfully present. §563.031.3.

Where a defendant relies on a defense of self-defense, the burden is on the State to prove beyond a reasonable doubt that the person did not act in self-defense. *State v. Powers*, 913 S.W.2d 138, 141 (Mo. App. W.D. 1996).

The evidence in this case clearly shows that Harris unlawfully entered Gainwell's residence and attempted to rob Gainwell before Gainwell shot Harris.

A very strong inference can be drawn that Harris parked the vehicle he was using in a manner to avoid detection. He parked it far away from 5783 Limoges Drive even though there were numerous places to park closer to the residence. He parked the vehicle in a position that was hidden from the view of any of the occupants of 5783. Harris's choice of this parking spot is highly probative of Harris's intent to rob Gainwell.

An inference can be drawn that Harris tried to hide his location by turning his cell phone off. When cell phones are powered off, information about their location cannot be obtained by outside entities, including law enforcement. This evidence is probative of Harris's intent to rob Gainwell. Further, at the least it is highly suspicious that Harris left his cell phone (and his wallet for that matter), that he had used throughout the day leading up to the shooting, in the vehicle instead of keeping it on his person.

A very strong inference can be drawn that Harris intended to avoid detection and conceal his identity based on his choice of clothing. Except for Harris's gloves, all of his exterior clothing was dark in color. He was wearing a mask that partially covered his face. Since he was wearing gloves, his fingerprints would not have been left behind. At the very least, it is highly suspicious that Harris was so heavily clothed while inside the residence. Evidence relating to Harris's clothing is consistent with Harris's intent to rob Gainwell.

A very strong inference can be drawn that Harris entered the residence through Gainwell's bedroom window. Physical evidence consistent with Harris scaling the northeast side of the residence (away from Limoges Drive) to the roof, where he would have had easy access to Gainwell's bedroom window, was found. Blood spatter on the window jamb clearly demonstrated that the window was open at least fourteen inches at the time of the shooting. Gainwell said he believed Harris entered through his window. No information was obtained from any source (including numerous residents of both units in the duplex) that anyone entered the residence through one of the exterior doors just prior to the shooting. Evidence that Harris entered the residence through Gainwell's bedroom window is highly probative of Harris's intent to rob Gainwell.

Gainwell's statement that Harris threatened him with a handgun that was equipped with a laser pointer is corroborated by the physical evidence. Harris owned the loaded handgun, which was equipped with a laser pointer, that was found in Gainwell's bedroom. Evidence that Harris entered Gainwell's residence with a loaded handgun is highly probative of Harris's intent to rob Gainwell.

There was no credible information obtained from any source (including cell phone records, Facebook records, and witness statements) that Harris and Gainwell communicated with each other at any time leading up to the

shooting, including the day of the shooting. There was no credible information obtained from any source that Harris or Gainwell expressed any intent whatsoever to meet before the shooting. A strong inference can be drawn that since there is no credible evidence of this nature, Harris intended to rob Gainwell, and Gainwell was not voluntarily meeting with Harris.

In summary, Harris's decision to park so far away from the scene, hidden from view, and to leave his cell phone powered off in the vehicle; his choice of clothing including a mask and gloves; his entrance into the residence through Gainwell's upstairs bedroom window; his arming himself with a loaded handgun that was equipped with a laser pointer; and the lack of any credible evidence of any communication between Harris and Gainwell leading up to the shooting, among other evidence in this case, proves that Harris unlawfully entered Gainwell's residence and attempted to rob Gainwell at gunpoint. Gainwell had every right, under the law, to use deadly force against Harris.

CONCLUSION

I think it is safe to say that members of the Boone County Sheriff's Department share my opinion that Gainwell did not commit a crime for shooting Harris because Gainwell was not arrested for this shooting, no request to file charges against Gainwell was made to my office, and no probable cause statement pertaining to Gainwell was sent to my office. As you know, when law enforcement officers have probable cause to believe that a violent crime has been committed by a particular person, a probable cause statement is sent to my office.

Rule 4-3.8 of the Missouri Supreme Court Rules of Professional Conduct is entitled, "Special Responsibilities of a Prosecutor." That rule lists directives that prosecutors must follow. The very first directive begins with the following: "A prosecutor in a criminal case shall: (a) refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause."

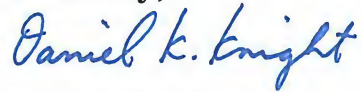
Ethically, I, as a prosecutor, will not prosecute a charge that is not supported by probable cause. Further, the evidence proves that Gainwell did not commit a crime under Missouri law for shooting Harris. Since there is no probable cause to believe Gainwell committed a crime by shooting Harris, he would not have been charged for this shooting.

Since this case is of general public interest, I am going to disclose this letter to the media. I believe it is important for citizens to clearly understand the

circumstances of this shooting and why Gainwell acted lawfully in shooting Harris.

Thank you very much for taking the time to read this letter. If you have any questions, concerns, or if you do not agree with my analysis, please contact me.

Sincerely,



Daniel K. Knight
Boone County Prosecuting Attorney